

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANIEL REYES, et al.,

Plaintiffs,

vs.

COVER-ALL, INC., et al.,

Defendants.

Case No. 2:07-cv-00148-RCJ-PAL

ORDER

(Mtn to Withdraw - Dkt. #214)

This matter is before the court on the Motion to Withdraw (Dkt. #214) filed January 31, 2012. D. Larene Pyles, Rubin M. Turner, and Jonathan M. Deer seek to withdraw as counsel of record for Defendant Cover-All, Inc. The Motion represents that there has been an irretrievable breakdown of communication between the Defendant's principal officer and counsel. Counsel asserts Defendant has materially breached its retainer agreement, and local counsel has disbanded, leaving Defendant and the movants without local counsel. Furthermore, counsel asserts that Defendant filed a bankruptcy petition in California in 2009, and it has not actively participated in this litigation for the past three years. The bankruptcy case was dismissed in December 2010. Counsel asserts that it has a difference of opinion with Defendant such that it is impossible to continue representing it. Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result." This case was filed on February 6, 2007, in the Central District of California and was transferred to this court on the same day. There has been no activity in this case since the District Judge denied an Unopposed Motion for Preliminary Approval of Class Settlement on March 11, 2011 and there is no trial date set.

No opposition to the motion was filed, and the time for filing a response has now run.

Having reviewed and considered the matter, and for good cause shown,

///

IT IS ORDERED:

1. The Motion to Withdraw (Dkt. #214) is GRANTED.
2. A corporation cannot appear except through counsel. *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993). Therefore, Defendant Cover-All, Inc. shall have until **March 5, 2012**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice.
3. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.
4. The Clerk of Court shall serve a copy of this Order on Defendant at:
Gadi Leshem
8964 Oso Avenue
Chatsworth, CA 91311

Dated this 23rd day of February, 2012.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE